
MONDAY, AUGUST 14, 2006

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Watne, Commissioners Hall and Brenneman, and Clerk Robinson were present.

Chairman Watne opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Watne closed the public comment period.

MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS

This meeting was not held.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: GLACIER VISTA DRIVE, LAZY SWAN LANE, MALTBY PLACE, GLADES DRIVE AND TYLER FARM LANE NAMING

[9:12:23 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the notice of public hearing for Glacier Vista Drive, Lazy Swan Lane, Matlby Place, Glades Drive and Tyler Farm Lane Road namings. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **GLACIER VISTA DRIVE**.

Road is now known as a portion of River Bend Drive. The portion to be renamed generally runs westerly from the intersection of the SE corner of Lot 8 of Glacier View Fairway Estates and located in the NW1/4NW1/4 of Section 35 and the NE1/4NE1/4 Section 34, Township 32 North, Range 19 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **30TH day of August, 2006, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **GLACIER VISTA DRIVE**.

This notice shall be mailed to each landowner who has access off of the proposed **GLACIER VISTA DRIVE**, who has an address assignment on the proposed **GLACIER VISTA DRIVE** or who owns property along the proposed **GLACIER VISTA DRIVE**.

Dated this 14th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Robert W. Watne
Robert W. Watne, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

Publish on August 17 and August 24, 2006.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **GLADES DRIVE**.

Road generally running northwesterly off Big Mountain Road and located in the W½ of Section 1 and in the E½ SE¼ of Section 2, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana. This will be extending the existing Glades Drive to rename all of Outpost Avenue.

The public hearing will be held on the **30TH day of August, 2006, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **GLADES DRIVE**.

This notice shall be mailed to each landowner who has access off of the proposed **GLADES DRIVE**, who has an address assignment on the proposed **GLADES DRIVE** or who owns property along the proposed **GLADES DRIVE**.

Dated this 14th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Robert W. Watne
Robert W. Watne, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

Publish on August 17 and August 24, 2006.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **LAZY SWAN LANE**.

Road generally running northerly off Williams Lane and located in Government Lots 2 & 4 of Section 33, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **30TH day of August, 2006, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **LAZY SWAN LANE**.

This notice shall be mailed to each landowner who has access off of the proposed **LAZY SWAN LANE**, who has an address assignment on the proposed **LAZY SWAN LANE** or who owns property along the proposed **LAZY SWAN LANE**.

Dated this 14th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Robert W. Watne
Robert W. Watne, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

Publish on August 17 and August 24, 2006.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **MALTBY PLACE**.

Road generally running northerly off Foothill Road and located in the SW ¼ SE ¼ of Section 36, Township 29 North, Range 20 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **30TH day of August, 2006, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **MALTBY PLACE**.

This notice shall be mailed to each landowner who has access off of the proposed **MALTBY PLACE**, who has an address assignment on the proposed **MALTBY PLACE** or who owns property along the proposed **MALTBY PLACE**.

Dated this 14th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Robert W. Watne
Robert W. Watne, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

Publish on August 17 and August 24, 2006.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **TYLER FARM LANE**.

Road generally running southerly and easterly off Columbia Falls Stage and located in the SE1/4 SW1/4 of Section 20 and the NE1/4NW1/4 of Section 29, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the 30TH day of August, 2006, at 9:30 A.M., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of TYLER FARM LANE.

This notice shall be mailed to each landowner who has access off of the proposed TYLER FARM LANE, who has an address assignment on the proposed TYLER FARM LANE or who owns property along the proposed TYLER FARM LANE.

Dated this 14th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Robert W. Watne
Robert W. Watne, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

Publish on August 17 and August 24, 2006.

BUDGET RESOLUTIONS

9:14:15 AM

Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Laurel Raymond

Commissioner Hall made a **motion** to adopt Resolution 1959. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

BUDGET AMENDMENT RESOLUTION
RESOLUTION NO. 1959

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2005-2006, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2005-2006; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 14th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Robert W. Watne
Robert W. Watne, Chairman

By: /s/Gary D. Hall
Gary D. Hall, Member

By: /s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By: /s/Kimberly Moser
Kimberly Moser, Deputy

**COUNTY OF
FLATHEAD**

**COUNTY OF FLATHEAD
GENERAL JOURNAL VOUCHER
BUDGET AMENDMENT - FY2006**

DATE ISSUED:

Resolution # 1959

**VOUCHER
NO.:**

0606-190

DATE OF RECORD: 6/30/2006				Entered by:	Gary
MCA 7-6-4006		ACCOUNTING COPY	"B" Entry		
Account Number	Object	Description	Line	Debit	Credit
2967-0190-331138		Cancer Program	1	\$ 6,650.00	
2967-0190-365000		Donations	2		\$ 1,746.00
2967-172000		Revenue Control	3		\$ 4,904.00
2967-0190-440110	110	Salaries	4		\$ 4,598.00
2967-0190-440110	144	FICA	5		\$ 1,000.00
2967-0190-440110	145	PERS	6		\$ 1,142.00
2967-0190-440110	210	Office Supplies	7		\$ 1,216.00
2967-0190-440110	212	Small Item Equipment	8	\$ 1,500.00	
2967-0190-440110	229	Other Operating Supplies	9		\$ 1,000.00
2967-0190-440110	378	Travel	10	\$ 1,850.00	
2967-0190-440110	380	Training Services	11	\$ 702.00	
2967-242000		Expense Control	12	\$ 4,904.00	
			13		
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			32		
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			34		
			35		
<u>Explanation</u>				Total	
				\$ 15,606.00	\$ 15,606.00
To establish additional budget authority and modfiy current FY06 Grant budget to account for additional grant funding					
				Approved by: _____	
				Date: _____	

Commissioner Hall made a **motion** to adopt Resolution 1960. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

BUDGET AMENDMENT RESOLUTION
RESOLUTION NO. 1960

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2005-2006, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2005-2006; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 14th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Robert W. Watne
Robert W. Watne, Chairman

By: /s/Gary D. Hall
Gary D. Hall, Member

By: /s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By: /s/Kimberly Moser
Kimberly Moser, Deputy

COUNTY OF
FLATHEAD

COUNTY OF FLATHEAD
GENERAL JOURNAL VOUCHER
BUDGET AMENDMENT - FY2006

DATE ISSUED:		Resolution # 1960		VOUCHER NO.:	0606-191
DATE OF RECORD:		6/30/2006		Entered by:	Gary
MCA 7-6-4006		ACCOUNTING COPY	"B" Entry		
Account Number	Object	Description	Line	Debit	Credit
2972-0190-331142		Title X-Family Planning	1	\$ 22,082.00	
2972-0190-331143		MCH	2	\$ 724.00	
2972-0190-331147		Preventative Health	3	\$ 392.00	
2972-0190-343130		Medicaid	4		\$ 2,000.00
2972-0190-344060		Health Clinic Services	5	\$ 10,498.00	
2972-0190-365000		Donations	6		\$ 2,720.00
2972-172000		Revenue Control	7		\$ 28,976.00
2972-0190-440173	110	Salaries	8		\$ 19,599.00
2972-0190-440173	141	Unemployment	9		\$ 49.00
2972-0190-440173	142	work-Comp	10		\$ 302.00
2972-0190-440173	143	Health Insurance	11		\$ 3,998.00
2972-0190-440173	144	FICA	12		\$ 1,216.00
2972-0190-440173	145	PERS	13		\$ 1,277.00
2972-0190-440173	147	MediCare	14		\$ 284.00
2972-0190-440173	150	Life Insurance	15		\$ 30.00
2972-0190-440173	210	Office Supplies	16		\$ 790.00
2972-0190-440173	212	Small Item Equipment	17	\$ 500.00	
2972-0190-440173	215	Computer Equipment	18	\$ 200.00	
2972-0190-440173	222	Chem/Lab Supplies	19	\$ 1,050.00	
2972-0190-440173	228	Educational Supplies	20		\$ 2,250.00
2972-0190-440173	229	Other Operating Supplies	21	\$ 20.00	
2972-0190-440173	378	Travel	22	\$ 2,214.00	
2972-0190-440173	380	Training Services	23		\$ 3,000.00
2972-0190-440173	398	Contract Services	24		\$ 565.00
2972-0190-440173	510	Insurance	25	\$ 400.00	
2972-242000		Expense Control	26	\$ 28,976.00	

				\$ 67,056.00	\$ 67,056.00
<u>Explanation</u>				Total	
To establish additional budget authority and modify current FY06 Grant budget to account for additional grant funding				Approved by: _____ Date: _____	

Commissioner Brenneman made a **motion** to adopt Resolution 1961. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

BUDGET AMENDMENT RESOLUTION
RESOLUTION NO. 1961

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2005-2006, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2005-2006; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 14th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Robert W. Watne
Robert W. Watne, Chairman

By: /s/Gary D. Hall
Gary D. Hall, Member

By: /s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By: /s/Kimberly Moser
Kimberly Moser, Deputy

COUNTY OF
FLATHEAD

COUNTY OF FLATHEAD
GENERAL JOURNAL VOUCHER
BUDGET AMENDMENT - FY2006

DATE ISSUED:		Resolution # 1961		VOUCHER NO.:	
DATE OF RECORD:		6/30/2006		0606-192	
				Entered by:	Gary
MCA 7-6-4006		ACCOUNTING COPY	"B" Entry		
Account Number	Object	Description	Line	Debit	Credit
2281-0726-345010		Medicaid Waiver		\$ 205.70	
2281-172000		Revenue Control			\$ 205.70
2281-242000		Expense Control		\$ 205.70	
2281-0726-521000	820	Transfer-Out			\$ 205.70
2982-0190-383000		Transfer-In		\$ 2,036.00	
2982-172000		Revenue Control			\$ 2,036.00
2983-0190-383000		Transfer-In		\$ 1,738.50	
2983-172000		Revenue Control			\$

[illegible]

DOCUMENT FOR SIGNATURE: HEALTH BENEFIT PLAN

9:17:09 AM

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Raeann Campbell

Commissioner Hall made a **motion** to approve the Health Benefit Plan Amendment and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #07-07-5-31-005-0

9:18:07 AM

0.10.07 AM
Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the DPHHS Contract #07-07-5-31-005-0 and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

FINAL PLAT: AVERI HILL

9:41:31 AM

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Kris Caister

Holland reviewed the application submitted by Neil Smith for final plat approval of Averi Hill Subdivision, a 4 lot residential subdivision. The property is located off LaBrant Road, in the Creston area. Preliminary plat approval was granted on September 21, 2005, subject to 15 conditions. All conditions have been met.

Commissioner Hall made a **motion** to approve the final plat of Averi Hill Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

FINAL PLAT: WHITEFISH HILLS PHASE 1, LOT 7

[9:43:02 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Annie Thompson, Kris Caister, Eric Mulcahy

Thompson reviewed the application submitted by PRA Hart Bowl Associates, with technical assistance from Sands Surveying, Inc for final plat approval of the Amended Plat of Lot 7, Whitefish Hills, Phase 1, a 2 lot major subdivision. The property is located on the west side of Highway 93, southwest of the city of Whitefish. Preliminary plat approval was granted on May 15, 2006, subject to 10 conditions. All conditions have been met.

Commissioner Brenneman made a **motion** to approve the final plat of Whitefish Hills Phase 1, lot 7. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

EXIT INTERVIEW: DENNING, DOWNEY & ASSOCIATES

[10:06:10 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, Paula Robinson, Laurel Raymond, Bob Denning

Discussion was held relative to the audit of the fiscal year 2005 done by Denning, Downey & Associates. He reported the finding that had been found including Revenue Coding, Capital Asset Reporting, Treasurer's Control System, Operating Transfers, Change in Accounting Method, Landfill Closure/Pos closure Liability, Annual Report Filing Requirements, Homeland Security Grants Internal Controls, Pledged Securities, and Management's Discussion and Analysis. He also stated that he would be removing the comment on the pledges securities after finding out from the bank that FDIC does cover the Health self insurance fund monies. He also disclosed comments that were not included in the report. He then reviewed the comments that were made for the last budget year and stated that they had been implemented to their satisfaction.

FINAL PLAT: HOILAND-DAY ACRES, LOT 13

[10:39:43 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Eric Giles, Olaf Ervin

Giles reviewed the application submitted by Montana Mapping Associates for final plat approval of Hoiland Day Acres Resubdivision of Lot 13, a subdivision creating two residential lots. The subdivision is located off of Harmony road north of East Evergreen Drive in Evergreen. Preliminary plat approval was granted on September 22, 2005, subject to 7 conditions. All conditions have been met.

Commissioner Hall made a **motion** to approve the final plat of Hoiland-Day Acres, resubdivision of lot 13. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #446 (OFF OF CEDAR FLATS)

[9:20:01 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**NOTICE OF PUBLIC HEARING
TO CONSIDER
DISCONTINUANCE
OF PUBLIC ROADWAY
NO. 446**

Notice is hereby given that the Board of Viewers have reported favorably to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

A tract of land being 60 feet wide and 30 feet on each side of the following described line located in the Southeast Quarter of the Southwest Quarter and in the Southwest Quarter of the Southeast Quarter of Section 21, and in the East Half of the Northwest Quarter and in the West Half of the Northeast Quarter of Section 28 and all being in Township 31 North, Range 20 West, Principal Meridian, Montana, Flathead County, Montana and more particularly described as follows:

Commencing at the Center south one-sixteenth corner of said Section 21 and which point is the TRUE POINT OF BEGINNING;

Thence South on and along the west boundary of said Southwest Quarter of the Southeast Quarter, to the South Quarter Corner of said Section 21; Thence continuing south on and along the west boundary of said West Half of the Northeast Quarter of Section 28, to the Center Quarter Corner of said Section 28 and which point is a point of Terminus for said description.

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for **August 30th, 2006 at 9:15 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 14th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Robert W. Watne
Robert W. Watne, Chairman

PAULA ROBINSON,
CLERK AND RECORDER

By/s/Kimberly Moser

Deputy

Publish on August 17 and August 24, 2006.

CONSIDERATION OF EXTENSION: BLUE SKY ESTATES

[9:20:24 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the extension request for Blue Sky Estates. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONSIDERATION OF EXTENSION: GUNSIGHT VIEW

[9:21:53 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the extension request for Gunsight View. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONSIDERATION OF RELEASE OF COLLATERAL: ESTHER SUBDIVISION

[9:23:10 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to release the collateral for Esther Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

TAX REFUND: PARKER

[9:29:53 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:
Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the tax refund request for Parker. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF EXTENSION: NORTH SHORE RANCH

[9:24:25 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the extension request for North Shore Ranch. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: BUDGET FY07 & MEDICAL LEVY FY07

[9:31:44 AM](#)
Members present:
Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the notice of public hearing for the Budget FY07 and the notice of public hearing for the medical levy and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

NOTICE OF HEARING ON PROPOSED BUDGET

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Flathead County, Montana, has completed the Proposed Budget for the 2006-2007 fiscal year and that said budget is on file in the Office of the Flathead County Clerk and Recorder, 800 South Main, Kalispell, Montana, and is open to public inspection.

The Board will meet on the **6th day of September, 2005, at 9:00 o'clock, a.m.** for the purpose of holding a hearing and fixing the final budget and making appropriations. Said Meeting is to be held in the Justice Center Community Room, 920 S Main, Kalispell, MT.

Any taxpayer may appear at the hearing and will be heard for or against any part of the proposed budget.

For further information, please contact Paula Robinson, Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, Telephone 758-5530.

DATED this 14th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Robert W. Watne
Robert W. Watne, Chairman

Paula Robinson, Clerk

By: /s/Kimberly Moser
Deputy

Publish August 17 and August 24 2006.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 2-9-212, M.C.A., that the Board of Commissioners of Flathead County, Montana, will hold a public hearing to receive comment from the public on the Board's intention to levy \$799,395 for the permissive medical levy. The increase in the permissive medical levy for the 2007 fiscal year is \$195,942. The permissive medical levy is used to pay for premium contributions for the group health insurance program for County employees and is not subject to the statutory limitations on increases in County mill levies.

The public hearing will be held on the 6th day of September, 2006, at 10:00 o'clock a.m., in the Flathead County Justice Center, 800 South Main, Kalispell, Montana.

Any member of the public may appear and will be heard concerning the Board's intention to levy \$799,395 for the permissive medical levy.

For further information, please contact Paula Robinson, Flathead County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, Telephone 758-5530.

DATED this 14th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Robert W. Watne
Robert W. Watne, Chairman

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Deputy

Publish August 17 and August 24, 2006.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #07-07-5-21-008-8 & 06-07-4-31-015-0

[9:32:28 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the DPHHS Contract #07-07-5-21-008-8 and DPHHS contract #06-07-4-31-015-0 and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONTINUATION OF DOCUMENT FOR SIGNATURE: GRANT AWARD / DV & ACCOUNTABILITY OFFICER (FAMILY VIOLENCE PREVENTION COUNCIL)

[9:36:33 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to continue until a later date. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONSIDERATION OF RELEASE OF COLLATERAL: SUNDANCE ACRES

[9:46:05 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the release of collateral for Sundance Acres. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

CONSIDERATION OF RELEASE OF COLLATERAL: PHEASANT HAVEN, PHASE 3

[9:46:27 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the release of collateral for Pheasant Haven, Phase 3. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

TAX REFUND: WILLOWS MINISTRIES, INC./LOVE & FAITH FELLOWSHIP

[11:12:50 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Laurel Raymond, Jonathan Smith

Discussion was held relative to the tax refund request for Willows Ministries Inc / Love & Faith Fellowship. Jonathan Smith stated that the state had denied the request do to the fact that the building was not used as a church during the years that the refund is being requested. It was stated that the applicant has stated that they had turned the paperwork into the state to categorize this as a church.

Commissioner Brenneman made a **motion** to deny the request for the years 2002 and 2003 tax refund request for the Willows Ministies, Inc / Love & Faith Fellowship. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. **Opposed** – Hall. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: FINANCE DEPT AND AOA

[9:49:52 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the print bid submitted by The Towne Printer in the amount of \$614.41 for envelopes for the finance department. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the bid submitted by Great Northern Printing in the amount of \$314.12 for yellow envelopes and in the amount of \$314.64 for Stationery Envelopes. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 15, 2006.

TUESDAY, AUGUST 15, 2006

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Watne, Commissioners Hall and Brenneman, and Clerk Robinson were present.

2:45 p.m. Commissioner Hall to attend meeting regarding Important Issues Facing the Flathead with Senator Conrad Burns at the Kalispell Chamber of Commerce

4:00 p.m. Commissioner Hall to attend the Roadless/Forest Planning Task Force meeting at the Commissioners' Meeting Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 16, 2006.

WEDNESDAY, AUGUST 16, 2006

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Watne, Commissioners Hall and Brenneman, and Clerk Robinson were present.

Chairman Watne opened the public comment on matters within the Commissions' Jurisdiction,

Wallace Hall Best spoke in regards to the development of Ben Williams Park. He stated that he was informed that they could get fifty thousand dollars from the county if they move quickly with getting information in. He also stated that he was concerned that the Lakeside council moves kind of slow and they do not have a financial officer. He asked if they would need to designate a financial officer to receive those funds. He stated that he hopes that their park is chosen as the recipient of the funding. He then stated that his opinion is that the first things that would need to be done is to have the park fenced and to provide parking.

No one else rising to speak, Chairman Watne closed the public comment period.

MEETING W/ JOHN MCCLURE RE: SOUTH 80 PARKLAND WELL

[8:59:05 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, John McClure

Discussion was held relative to the sale of a park lot off of the South 80 subdivision. He stated that the commissioners had already given permission to sell the parkland in order to finance the replacing of the well. John McClure stated that they had to change to covenants to legally be able to do this and the vote came back for the amendment change. He also stated that the vote for selling the parkland came back as favorable as well. He asked for the commissioner to finalize the vote giving them permission to sell the parkland lot. Discussion was held relative to removing the park land designation on the land in order for it to be sold. The commissioner decided to question Jonathan Smith on what they would need to follow through with this. It was stated that the Weed and Parks board also agreed to the sale.

QUARTERLY MEETING W/ LAUREL RAYMOND, FINANCE DEPT

[9:23:36 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Laurel Raymond

Discussion was held relative to the resignation of a finance employee. Laurel stated that they would be revising the job description to better suit the responsibilities of the position. She also stated that the audit would be started on November 1, 2006. The year end closing is being worked on and moving forward. Laurel stated that they had contracted with Denning and Downing to work on the Federal schedule for this year. Laurel then spoke in regards to the federal grant monitoring being done by the different departments that has been lacking. Laurel also reviewed the possible mission statement that is being considered for the finance department. She also reviewed the plan for the finance department in the next year and a new software package that has been inputted.

CONSIDERATION OF ENGINEER: EVERGREEN BIKE PATH

[9:45:07 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Rebecca Shaw

Rebecca Shaw reviewed the proposals that had been submitted. She stated that overall TD&H had received that highest ranking from the bike path committee. Discussion was held relative to past experiences with TD&H.

Commissioner Hall made a **motion** to approve the proposal submitted by NCI Engineering. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: FARMER'S MARKET CONTRACT / AOA

[9:08:53 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the Farmer's Market Contract for AOA and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

COS REVIEW: MARTIN

[10:04:33 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Jim Burton, Joe Kauffman, Sam Doble

Holland reviewed the Martin family transfer request.

Commissioner Hall made a **motion** to approve the Martin COS. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

COS REVIEW: DOBLE

[10:07:03 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Joe Kauffman, Sam Doble

Holland reviewed the Doble family transfer request. Sam Doble stated that he is not doing a subdivision.

Commissioner Hall made a **motion** to approve the Doble COS. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

PRELIMINARY PLAT: DOUBLE TREE ACRES

10:28:48 AM

Members present:

Chairman Robert W. Watne

Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Kirsten Holland, Dawn Marquardt, Debbie Shoemaker

Holland reviewed the application submitted by Richard & Kathleen Sutton for preliminary plat approval of Double Tree Acres, a minor subdivision that will create three single family residential lots and a remainder off Smith Lake Road. The lots will be served by individual water and septic systems. The property is unzoned. Staff recommends approval.

Discussion was held relative to the bike path easement condition. Kirsten Holland stated that there is a planned bike path for across the street. Commissioner Watne stated that there would never be a bike path along this side of the road.

Commissioner Hall made a **motion** to adopt Staff Report FSR-06-13 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the preliminary plat of Double Tree Acres subject to 12 amended conditions including the removal of condition #3 which required a bike path. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONDITIONS

1. The subdivider shall receive physical addresses in accordance with Flathead County Resolution #1626. The addresses shall appear on the final plat. [Section 3.9(I)(7), FCSR]
2. The subdivider will obtain and show proof of completed approach permits from the Flathead County Road Department for access onto Smith Lake Road, indicating the approaches have been built and received final inspection. [Section 3.8(A), FCSR]
3. ~~The subdivider will dedicate a 15 foot bicycle/pedestrian easement on each lot along the Smith Lake Road frontage. [Section 3.18(A), FCSR]~~
4. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
5. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality for individual sewer and water and storm water management. [Section 3.14, FCSR]
6. The subdivider shall comply with reasonable access requirements of the Smith Valley Fire Department. A letter from the fire chief stating requirements have been met shall be submitted with the application for Final Plat.
7. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
8. The applicant will obtain a letter from the local postmaster, indicating the applicant has met the postal service's requirements for mail delivery in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities will be extended underground.
 - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - d.

Waiver of Protest

Participation in Special Improvement District

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.
10. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
11. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
12. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

CONSIDERATION OF CORRECTED PROTEST: RSID / PAVING SANDY HILL LANE; PAVING ON WILLIAMS LANE; PAVING ON SHADY LANE

[10:34:06 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve Resolution 1956A, 1957A, 1958A . Commissioner Watne **seconded** the motion.
Aye – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 1957A

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 140; DECLARING IT TO BE THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

BE IT RESOLVED by the Board of County Commissioners of the County of Flathead (the "County"), Montana, as follows:

Section 1. Proposed Improvements; Intention To Create District. The County proposes to undertake certain local improvements (the "Improvements") to benefit certain property located in the County. The Improvements consist of the paving of approximately 70,000 square feet of Shady Lane, as more particularly described in Section 5. The total estimated costs of the Improvements are \$152,729.78. The costs of the Improvements are to be paid from the rural special improvement district bonds hereinafter described. It is the intention of this Board to create and establish in the County under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended, a rural special improvement district (the "District") for the purpose of financing the costs of the Improvements and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds drawn on the District (the "Bonds"), the creation and administration of the District, the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund") and the establishment of a reserve account securing the Bonds in the District fund (the "Reserve Account"). The total estimated costs of the Improvements, including such incidental costs, to be financed by the Bonds are \$152,729.78. The Bonds are to be payable primarily from special assessments to be levied against property in the District, which property will be specially benefitted by the Improvements in an amount not less than \$152,729.78.

Section 2. Number of District. The District, if the same shall be created and established, shall be known and designated as Rural Special Improvement District No. 140, of the County of Flathead, Montana.

Section 3. Boundaries of District. The limits and boundaries of the District are depicted on a map attached as Exhibit A hereto (which is hereby incorporated herein and made a part hereof) and more particularly described on Exhibit B hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District is also shown on Exhibit A hereto.

Section 4. Benefitted Property. The District and territory included within the limits and boundaries described in Section 3 and as shown on Exhibits A and B are hereby declared to be the rural special improvement district and the territory which will benefit and be benefitted by the Improvements and will be assessed for the costs of the Improvements as described in Section 1. The property included within said limits and boundaries is hereby declared to be the property benefitted by the Improvements.

Section 5. General Character of the Improvements. The general character of the Improvements is the design, engineering and paving of approximately 70,000 square feet of Shady Lane, including application of crushed gravel, a tack coat and approximately 4 inch thick asphalt paving.

Section 6. Engineer and Estimated Cost. Morrison Maierle, Inc., shall be the engineer for the District. The Engineer has estimated that the cost of the Improvements, including all incidental costs, is \$152,729.78.

Section 7. Assessment Method - Assessed Valuation. All properties in the District will be assessed for their proportionate share of the costs of the Improvements. The total estimated cost of the Improvements is \$152,729.78 and shall be assessed against each lot, tract or parcel of land (whether or not it currently has structures on it) in the District for that part of the costs of the Improvements which the assessed valuation of the tract, lot or parcel of land without improvements as of January 1, 2006, bears to the total assessed valuation of all lots, tracts or parcels of land without improvements in the District as of January 1, 2006. The total assessed valuation of the land in the District without improvements is \$1,697,811.00, as of January 1, 2006. Property that is exempt from property taxation under Montana law is nonetheless subject to special assessments and such properties have been assigned an assessed valuation by the County Assessor for purposes of calculating such properties' assessment for the Improvements and such valuations are included in the total assessed valuation of the District. The costs of the Improvements per dollar of assessed value is \$0.09. The assessment for each lot, tract or parcel of land for the Improvements is shown on Exhibit C hereto.

Assessment Methodology Equitable and Consistent with Benefit. This Board hereby determines that the method of assessment and the assessment of costs of the specific Improvements against the properties benefitted thereby as prescribed in this Section 7 are equitable and in proportion to and not exceeding the special benefits derived from the respective Improvements by the lots, tracts and parcels to be assessed therefor within the District.

Section 8. Payment of Assessments. The special assessments for the costs of the Improvements shall be payable over a term not exceeding 20 years, each in equal semiannual installments of principal, plus interest, or equal semiannual payments of principal and interest, as this Board shall prescribe in the resolution authorizing the issuance of the Bonds. Property owners have the right to prepay assessments as provided by law.

Section 9. Method of Financing; Pledge of Revolving Fund; Findings and Determinations. The County will issue the Bonds in an aggregate principal amount not to exceed \$152,729.78 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District and such payment will be secured by the Reserve Account. This Board further finds it is in the public interest, and in the best interest of the County and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the County to enter into the undertakings and agreements authorized in Section 7-12-2185 in respect of the Bonds.

In determining to authorize such undertakings and agreements, this Board has taken into consideration the following factors:

(a) Estimated Market Value of Parcels.

The Board reasonably expects that the market value of the lots, parcels or tracts in the District as of the date of adoption of this resolution, will increase by at least the amount of the special assessment to be levied under Section 7 against each lot, parcel or tract in

the District, as a result of the construction of the Improvements.

(b) Diversity of Property Ownership.

Analysis of the number of property owners, business or family relationships, if any, between property owners, the comparative holdings of property by owners in the District indicated that of the 26 properties, there are 19 different owners. The substantial diversity in ownership makes it less likely that financial difficulties of one or related property owners will require the Revolving Fund to make a loan.

(c) Comparison of Special Assessments and Property Taxes and Market Value.

The amount of the proposed assessments against each lot, parcel or tract in the District compares favorably to the estimated market value of each lot, parcel, or tract, excluding improvements. The assessment, payable over 20 years, amounts to approximately 9 percent of the estimated market value of each lot, parcel, or tract, excluding improvements. The amount of security for any Revolving Fund loan is more than adequate. Since the estimated market value of each parcel far exceeds the sum of special assessments, any loan from the Revolving Fund loan would be adequately secured.

(d) Delinquencies.

There are no delinquencies in the payment of outstanding property taxes levied against property in the District. The lack of delinquent taxes suggests that the likelihood of financial difficulties is small, making the necessity for a Revolving Fund loan unlikely.

(e) The Public Benefit of the Improvements.

The public benefit to be derived from the Improvements is substantial. The Improvements meet an urgent and important need of the County to pave roads in rural areas of the County for public health and safety reasons.

(f) Newly Platted Subdivision.

The District is not a recently platted subdivision or proposed subdivision plat. The lots are not owned by a developer, but are owned by 19 different parties.

Section 10. Public Hearing; Protests. At any time within thirty (30) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of making the Improvements may make and file with the County Clerk and Recorder until 5:00 p.m., M.D.T., on the expiration date of said 30-day period (September 19, 2006), written protest against the proposed Improvements, or against the creation of the District or both, and this Board will at its next regular meeting after the expiration of the thirty (30) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on Wednesday, the 20th day of September, 2006, at 9:30 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Section 11. Notice of Passage of Resolution of Intention. The County Clerk and Recorder is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the Daily Interlake, a newspaper of general circulation in the County on August 20 and August 27, 2006, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

Section 12. Effect of Resolution No. 1957. Resolution No 1957, adopted by this Board on August 7, 2006, is replaced by this Resolution No. 1957A and is of no further force or effect.

PASSED AND ADOPTED by the Board of County Commissioners of the County of Flathead, Montana, this 16th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By /s/Robert W. Watne
Robert W. Watne, Chairman

By /s/Gary D. Hall
Gary D. Hall, Member

By _____
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy

assessments as provided by law.

Section 9. Method of Financing; Pledge of Revolving Fund; Findings and Determinations. The County will issue the Bonds in an aggregate principal amount not to exceed \$174,473.20 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District. This Board further finds it is in the public interest, and in the best interest of the County and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the County to enter into the undertakings and agreements authorized in Section 7-12-2185 in respect of the Bonds.

In determining to authorize such undertakings and agreements, this Board has taken into consideration the following factors:

(a) Estimated Market Value of Parcels.

The Board reasonably expects that the market value of the lots, parcels or tracts in the District as of the date of adoption of this resolution, will increase by at least the amount of the special assessment to be levied under Section 7 against each lot, parcel or tract in the District, as a result of the construction of the Improvements.

(b) Diversity of Property Ownership.

Analysis of the number of property owners, business or family relationships, if any, between property owners, the comparative holdings of property by owners in the District indicated that of the 29 properties, there are 24 different owners. The substantial diversity in ownership makes it less likely that financial difficulties of one or related property owners will require the Revolving Fund to make a loan.

(c) Comparison of Special Assessments and Property Taxes and Market Value.

The amount of the proposed assessments against each lot, parcel or tract in the District (\$6,016.32), compares favorably to the estimated market value of each lot, parcel, or tract, which range in value (land only, not including improvements) from approximately \$30,000 to \$136,000. The amount of security for any Revolving Fund loan is more than adequate. Since the estimated market value of each parcel far exceeds the sum of special assessments any loan from the Revolving Fund loan would be adequately secured.

(d) Delinquencies.

The amount of delinquencies in the payment of outstanding property taxes levied against property in the District is only 3 of the 29 properties. The lack of substantial delinquent taxes suggests that the likelihood of financial difficulties is small, making the necessity for a Revolving Fund loan unlikely.

(e) The Public Benefit of the Improvements.

The public benefit to be derived from the Improvements is substantial. The Improvements meet an urgent and important need of the County to pave roads in rural areas of the County for public health and safety reasons.

(f) Newly Platted Subdivision.

The District is not a recently platted subdivision or proposed subdivision plat. The lots are not owned by a developer, but are owned by 24 different parties.

Section 10. Public Hearing; Protests. At any time within thirty (30) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of making the Improvements may make and file with the County Clerk and Recorder until 5:00 p.m., M.D.T., on the expiration date of said 30-day period (September 19, 2006), written protest against the proposed Improvements, or against the creation of the District or both, and this Board will at its next regular meeting after the expiration of the thirty (30) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on Wednesday, the 20th day of September, 2006, at 9:30 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Section 11. Notice of Passage of Resolution of Intention. The County Clerk and Recorder is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the Daily Interlake, a newspaper of general circulation in the County on August 20 and August 27, 2006, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

Section 12. Effect of Resolution No. 1956. Resolution No 1956, adopted by this Board on August 7, 2006, is replaced by this Resolution No. 1956A and is of no further force or effect.

PASSED AND ADOPTED by the Board of County Commissioners of the County of Flathead, Montana, this 16th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By /s/Robert W. Watne
Robert W. Watne, Chairman

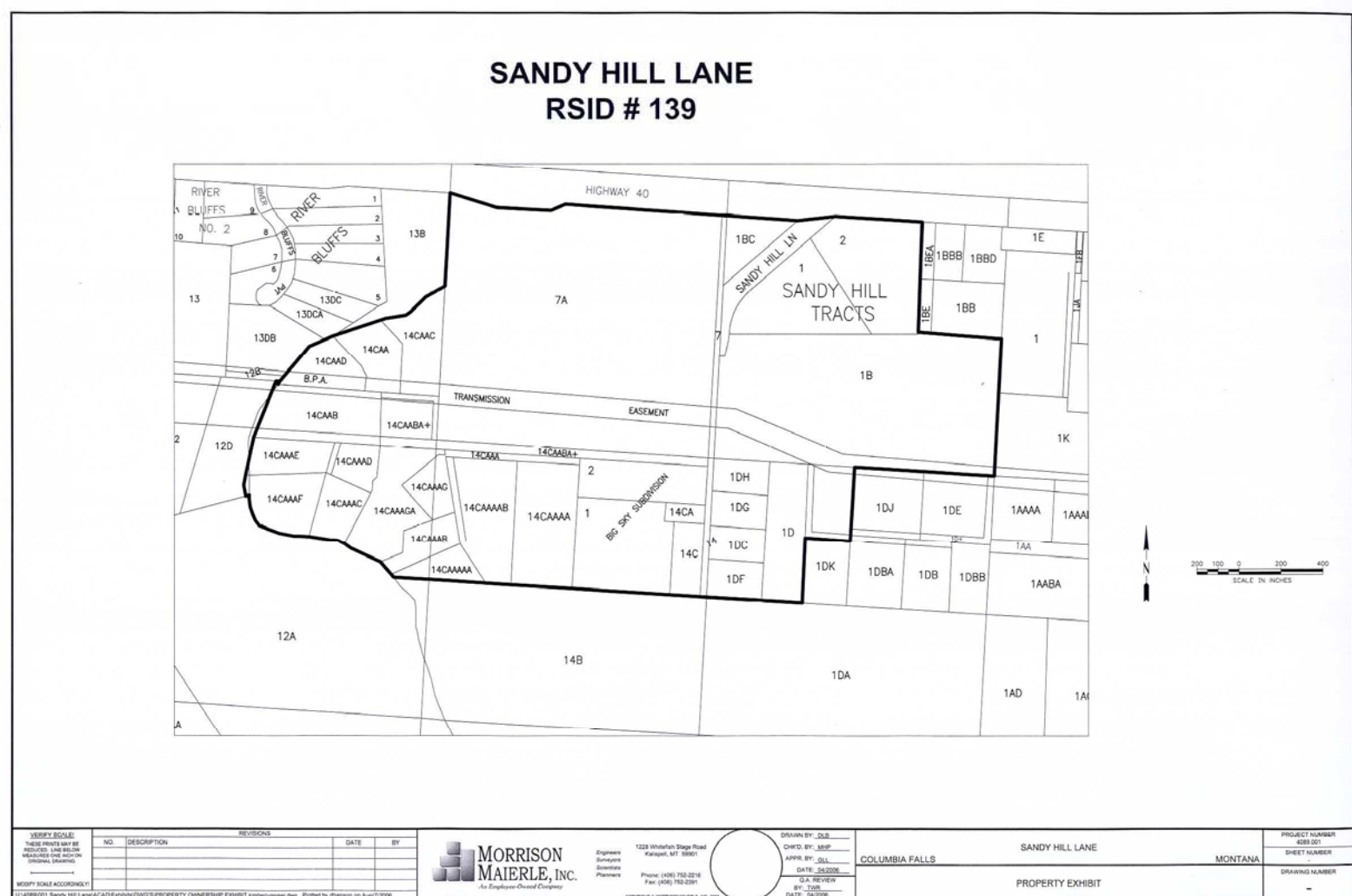
By /s/Gary D. Hall
Gary D. Hall, Member

By _____
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy



RESOLUTION NO. 1958A

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 141; DECLARING IT TO BE THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF RURAL SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE COUNTY'S RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

BE IT RESOLVED by the Board of County Commissioners of the County of Flathead (the "County"), Montana, as follows:

Section 1. Proposed Improvements; Intention To Create District. The County proposes to undertake certain local improvements (the "Improvements") to benefit certain property located in the County. The Improvements consist of the paving of approximately 70,000 square feet of Williams Lane, as more particularly described in Section 5. The total estimated costs of the Improvements are \$180,639.13. The costs of the Improvements are to be paid from the rural special improvement district bonds hereinafter described. It is the intention of this Board to create and establish in the County under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended, a rural special improvement district (the "District") for the purpose of financing the costs of the Improvements and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds drawn on the District (the "Bonds"), the creation and administration of the District, the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund") and the establishment of a reserve account securing the Bonds in the District fund (the "Reserve Account"). The total estimated costs of the Improvements, including such incidental costs, to be financed by the Bonds are \$180,639.13. The Bonds are to be payable primarily from special assessments to be levied against property in the District, which property will be specially benefitted by the Improvements in an amount not less than \$180,639.13.

Section 2. Number of District. The District, if the same shall be created and established, shall be known and designated as Rural Special Improvement District No. 141, of the County of Flathead, Montana.

Section 3. Boundaries of District. The limits and boundaries of the District are depicted on a map attached as Exhibit A hereto (which is hereby incorporated herein and made a part hereof) and more particularly described on Exhibit B hereto (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District is also shown on Exhibit A hereto.

Section 4. Benefitted Property. The District and territory included within the limits and boundaries described in Section 3 and as shown on Exhibits A and B are hereby declared to be the rural special improvement district and the territory which will benefit and be benefitted by the Improvements and will be assessed for the costs of the Improvements as described in Section 1. The property included within said limits and boundaries is hereby declared to be the property benefitted by the Improvements.

Section 5. General Character of the Improvements. The general character of the Improvements is the design, engineering and paving of approximately 70,000 square feet of Williams Lane, including application of crushed gravel, a tack coat and approximately 4 inch thick asphalt paving.

Section 6. Engineer and Estimated Cost. Morrison Maierle, Inc., shall be the engineer for the District. The Engineer has estimated that the cost of the Improvements, including all incidental costs, is \$180,639.13.

Section 7. Assessment Method - Equal Assessments. All properties in the District will be assessed for their proportionate share of the costs of the project. The total estimated cost of the project is \$180,639.13 and shall be assessed against each lot, tract or parcel of land in the District equally, such that each lot, tract or parcel in the District shall be assessed for the same amount of the cost of the project. The costs of the project per lot, tract or parcel to be assessed shall not exceed \$6,451.40. The assessment for each lot, tract or parcel of land for the project will be 1/28 of the total and will not exceed \$6,451.40.

Assessment Methodology Equitable and Consistent with Benefit. This Board hereby determines that the method of assessment and the assessment of costs of the specific Improvements against the properties benefitted thereby as prescribed in this Section 7 are equitable and in proportion to and not exceeding the special benefits derived from the respective Improvements by the lots, tracts and parcels to be assessed therefor within the District.

Section 8. Payment of Assessments. The special assessments for the costs of the Improvements shall be payable over a term not exceeding 15 years, each in equal semiannual installments of principal, plus interest, or equal semiannual payments of principal and

interest, as this Board shall prescribe in the resolution authorizing the issuance of the Bonds. Property owners have the right to prepay assessments as provided by law.

Section 9. Method of Financing; Pledge of Revolving Fund; Findings and Determinations. The County will issue the Bonds in an aggregate principal amount not to exceed \$180,639.13 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District and such payment will be secured by the Reserve Account. This Board further finds it is in the public interest, and in the best interest of the County and the District, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the County to enter into the undertakings and agreements authorized in Section 7-12-2185 in respect of the Bonds.

In determining to authorize such undertakings and agreements, this Board has taken into consideration the following factors:

(a) Estimated Market Value of Parcels.

The Board reasonably expects that the market value of the lots, parcels or tracts in the District as of the date of adoption of this resolution, will increase by at least the amount of the special assessment to be levied under Section 7 against each lot, parcel or tract in the District, as a result of the construction of the Improvements.

(b) Diversity of Property Ownership.

Analysis of the number of property owners, business or family relationships, if any, between property owners, the comparative holdings of property by owners in the District indicated that of the 28 properties, there are 20 different owners. The substantial diversity in ownership makes it less likely that financial difficulties of one or related property owners will require the Revolving Fund to make a loan.

(c) Comparison of Special Assessments and Property Taxes and Market Value.

The amount of the proposed assessments against each lot, parcel or tract in the District (\$6,451.40), compares favorably to the estimated market value of each lot, parcel, or tract, which range in value (land only, not including improvements) from approximately \$24,000 to over \$200,000. The amount of security for any Revolving Fund loan is more than adequate. Since the estimated market value of each parcel far exceeds the sum of special assessments any loan from the Revolving Fund loan would be adequately secured.

(d) Delinquencies.

The amount of delinquencies in the payment of outstanding property taxes levied against property in the District is only 4 of the 28 properties. The lack of substantial delinquent taxes suggests that the likelihood of financial difficulties is small, making the necessity for a Revolving Fund loan unlikely.

(e) The Public Benefit of the Improvements.

The public benefit to be derived from the Improvements is substantial. The Improvements meet an urgent and important need of the County to pave roads in rural areas of the County for public health and safety reasons.

(f) Newly Platted Subdivision.

The District is not a recently platted subdivision or proposed subdivision plat. The lots are not owned by a developer, but are owned by 20 different parties.

Section 10. Public Hearing; Protests. At any time within thirty (30) days from and after the date of the first publication of the notice of the passage and approval of this resolution, any owner of real property within the District subject to assessment and taxation for the cost and expense of making the Improvements may make and file with the County Clerk and Recorder until 5:00 p.m., M.D.T., on the expiration date of said 30-day period (September 19, 2006), written protest against the proposed Improvements, or against the creation of the District or both, and this Board will at its next regular meeting after the expiration of the thirty (30) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on Wednesday, the 20th day of September, 2006, at 9:30 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Section 11. Notice of Passage of Resolution of Intention. The County Clerk and Recorder is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the Daily Interlake, a newspaper of general circulation in the County on August 20 and August 27, 2006, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at his last-known address, on or before the same day such notice is first published.

Section 12. Effect of Resolution No. 1958. Resolution No 1958, adopted by this Board on August 7, 2006, is replaced by this Resolution No. 1958A and is of no further force or effect.

PASSED AND ADOPTED by the Board of County Commissioners of the County of Flathead, Montana, this 16th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By /s/Robert W. Watne
Robert W. Watne, Chairman

By /s/Gary D. Hall
Gary D. Hall, Member

By _____
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy

WILLIAM'S LANE RSID #141

**WILLIAM'S LANE
RSID #141**

PROPERTY EXHIBIT

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NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 140 AND TO ISSUE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 140 BONDS OF THE COUNTY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$152,729.78, SECURED BY THE RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

NOTICE IS HEREBY GIVEN that on August 16, 2006, the Board of County Commissioners of Flathead County, Montana (the "County"), adopted a Resolution of Intention to Create Rural Special Improvement District No. 140 (the "District") for the purpose of financing the costs of certain local improvements (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds of the County drawn on the District (the "Bonds"), the creation and administration of the District, and the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund"). The Improvements shall be constructed and installed pursuant to plans and specifications prepared by Morrison Maierle, Inc.

The Improvements consist of the design, engineering and construction of paving on approximately 70,000 square feet of Shady Lane, currently a gravel road.

The County would issue the Bonds in an aggregate principal amount not to exceed \$152,729.78 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District in the aggregate principal amount of \$152,729.78 and such payment will be secured by the Revolving Fund. **Subject to the limitations of Montana Code Annotated, Section 7-12-4222, the general fund of the County may be used to provide loans to the Revolving Fund or a general tax levy may be imposed on all taxable property in the County to meet the financial requirements of the Revolving Fund.**

All properties in the District will be assessed for their proportionate share of the costs of the Paving Improvements. The total estimated cost of the Paving Improvements is approximately \$152,729.78, and shall be assessed against each lot, tract or parcel of land (whether or not it currently has structures on it) in the District for that part of the costs of the Improvements which the assessed valuation of the tract, lot or parcel of land without improvements as of January 1, 2006, bears to the total assessed valuation of all lots, tracts or parcels of land without improvements in the District.

On September 20, 2006, at 9:30 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana, the Board of County Commissioners will conduct a public hearing and pass upon all written protests against the creation of the District, or the making of Improvements, that may be filed in the period hereinafter described.

Written protests against the creation of the District and the making of the Improvements may be filed by an agent, person, firm or corporation owning real property within the proposed District whose property is liable to be assessed for the Improvements. For purposes of protest, the owner of a property created as a condominium is collectively the owners of all units having an undivided interest in the common elements. The protest must be filed by the president, vice president, secretary or treasurer of the condominium owners' association, and such protest must be in writing, identify the condominium property, include a declaration or other document that shows how votes of unit owners in the condominium are calculated and be signed by owners of units in the condominium sufficient to constitute an affirmative vote for an undertaking relating to the common elements under the condominium declaration, as more particularly set forth in Section 7-12-2141, M.C.A. Such protests must be delivered to the County Clerk and Recorder at the Flathead County Courthouse, 800 South Main, Kalispell, Montana 59901, no later than 5:00 p.m., M.D.T., on September 19, 2006. As provided by law, such protests must be in writing, identify the property in the District owned by the protestor and be signed by all owners of the property. The protest must be delivered to the County Clerk and Recorder, who shall endorse thereon the date of its receipt by her.

Further information regarding the proposed District or the Bonds or other matters in respect thereof may be obtained from the Board of Commissioners at 800 South Main, Kalispell, Montana, or by telephone at 406-758-5503.

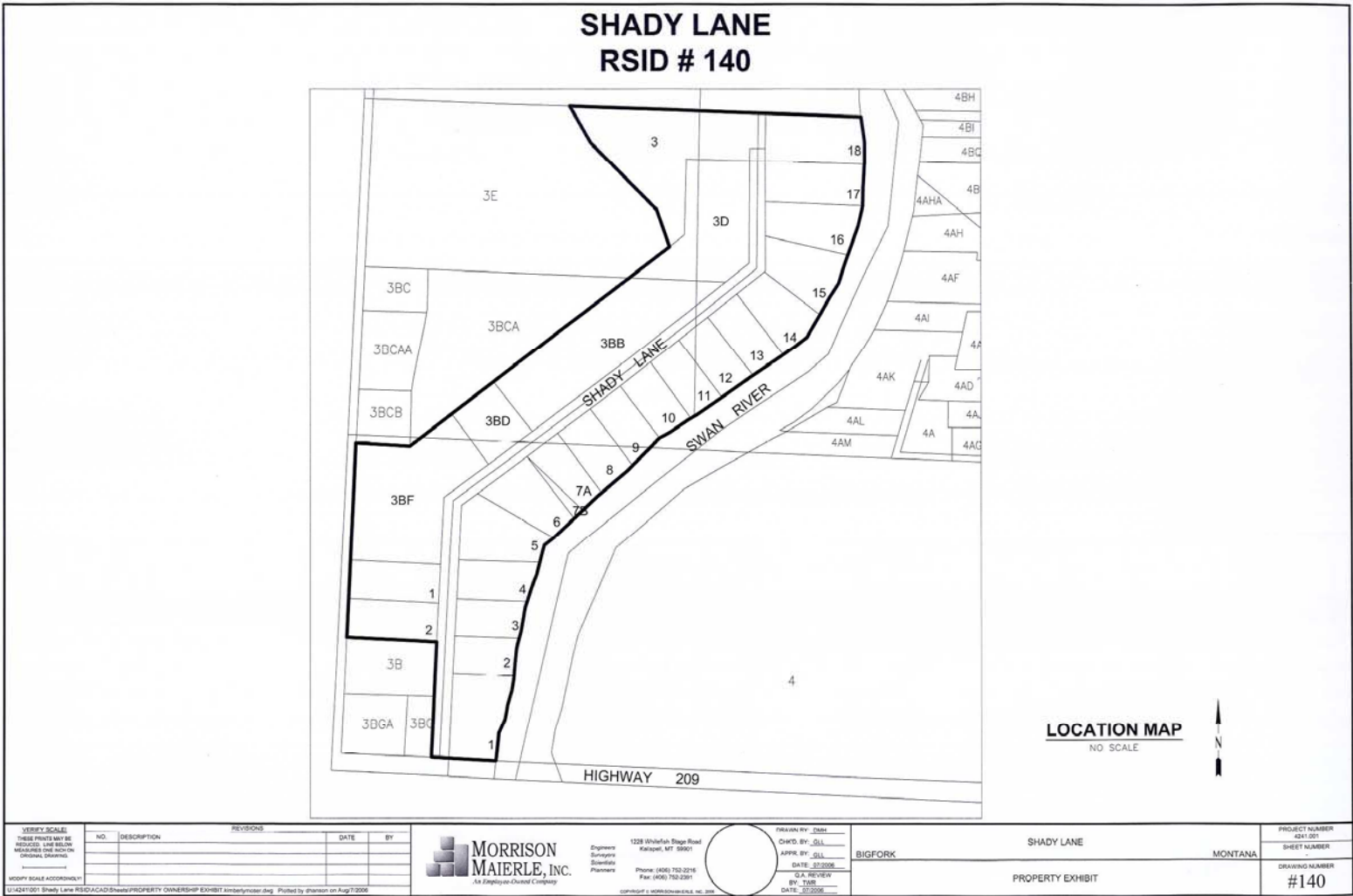
DATED this 16th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Robert W. Watne
Robert W. Watne, Chairman

By/s/Kimberly Moser
Deputy



Publish on August 20 and August 27, 2006.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 139 AND TO ISSUE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 139 BONDS OF THE COUNTY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$174,473.20, SECURED BY THE RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

FLATHEAD COUNTY, MONTANA

NOTICE IS HEREBY GIVEN that on August 16, 2006, the Board of County Commissioners of Flathead County, Montana (the "County"), adopted a Resolution of Intention to Create Rural Special Improvement District No. 139 (the "District") for the purpose of financing the costs of certain local improvements (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds of the County drawn on the District (the "Bonds"), the creation and administration of the District, and the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund"). The Improvements shall be constructed and installed pursuant to plans and specifications prepared by Morrison Maierle, Inc.

A complete copy of the Resolution of Intention (the "Resolution") is on file with the County Clerk and Recorder which more specifically describes the nature of the Improvements, the boundaries and the area included in the District, the location of the Improvements and other matters pertaining thereto and further particulars. A map of the proposed District accompanies this notice.

The Improvements consist of the design, engineering and construction of paving on approximately 80,000 square feet of Sandy Hill Lane, currently a gravel road.

The County would issue the Bonds in an aggregate principal amount not to exceed \$174,473.20 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District in the aggregate principal amount of \$174,473.20 and such payment will be secured by the Revolving Fund. **Subject to the limitations of Montana Code Annotated, Section 7-12-4222, the general fund of the County may be used to provide loans to the Revolving Fund or a general tax levy may be imposed on all taxable property in the County to meet the financial requirements of the Revolving Fund.**

All properties in the District will be assessed for their proportionate share of the costs of the Paving Improvements. The total estimated cost of the Paving Improvements is approximately \$174,473.20, and shall be assessed against each lot, tract or parcel of land in the District equally, such that each lot, tract or parcel in the District shall be assessed for the same amount of the cost of the Paving Improvements. There are 29 lots, tracts or parcels in the District. The estimated costs of the Paving Improvements per lot, tract or parcel to be assessed is \$6,016.32.

On September 20, 2006, at 9:30 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana, the Board of County Commissioners will conduct a public hearing and pass upon all written protests against the creation of the District, or the making of Improvements, that may be filed in the period hereinafter described.

Written protests against the creation of the District and the making of the Improvements may be filed by an agent, person, firm or corporation owning real property within the proposed District whose property is liable to be assessed for the Improvements. For purposes of protest, the owner of a property created as a condominium is collectively the owners of all units having an undivided interest in the common elements. The protest must be filed by the president, vice president, secretary or treasurer of the condominium owners' association, and such protest must be in writing, identify the condominium property, include a declaration or other document that shows how votes of unit owners in the condominium are calculated and be signed by owners of units in the condominium sufficient to constitute an affirmative vote for an undertaking relating to the common elements under the condominium declaration, as more particularly set forth in Section 7-12-2141, M.C.A. Such protests must be delivered to the County Clerk and Recorder at the Flathead County Courthouse, 800 South Main, Kalispell, Montana 59901, no later than 5:00 p.m., M.D.T., on September 19, 2006. As provided by law, such protests must be in writing, identify the property in the District owned by the protestor and be signed by all owners of the property. The protest must be delivered to the County Clerk and Recorder, who shall endorse thereon the date of its receipt by her.

Further information regarding the proposed District or the Bonds or other matters in respect thereof may be obtained from the Board of Commissioners at 800 South Main, Kalispell, Montana, or by telephone at 406-0758-5503.

DATED this 16th day of August, 2006.

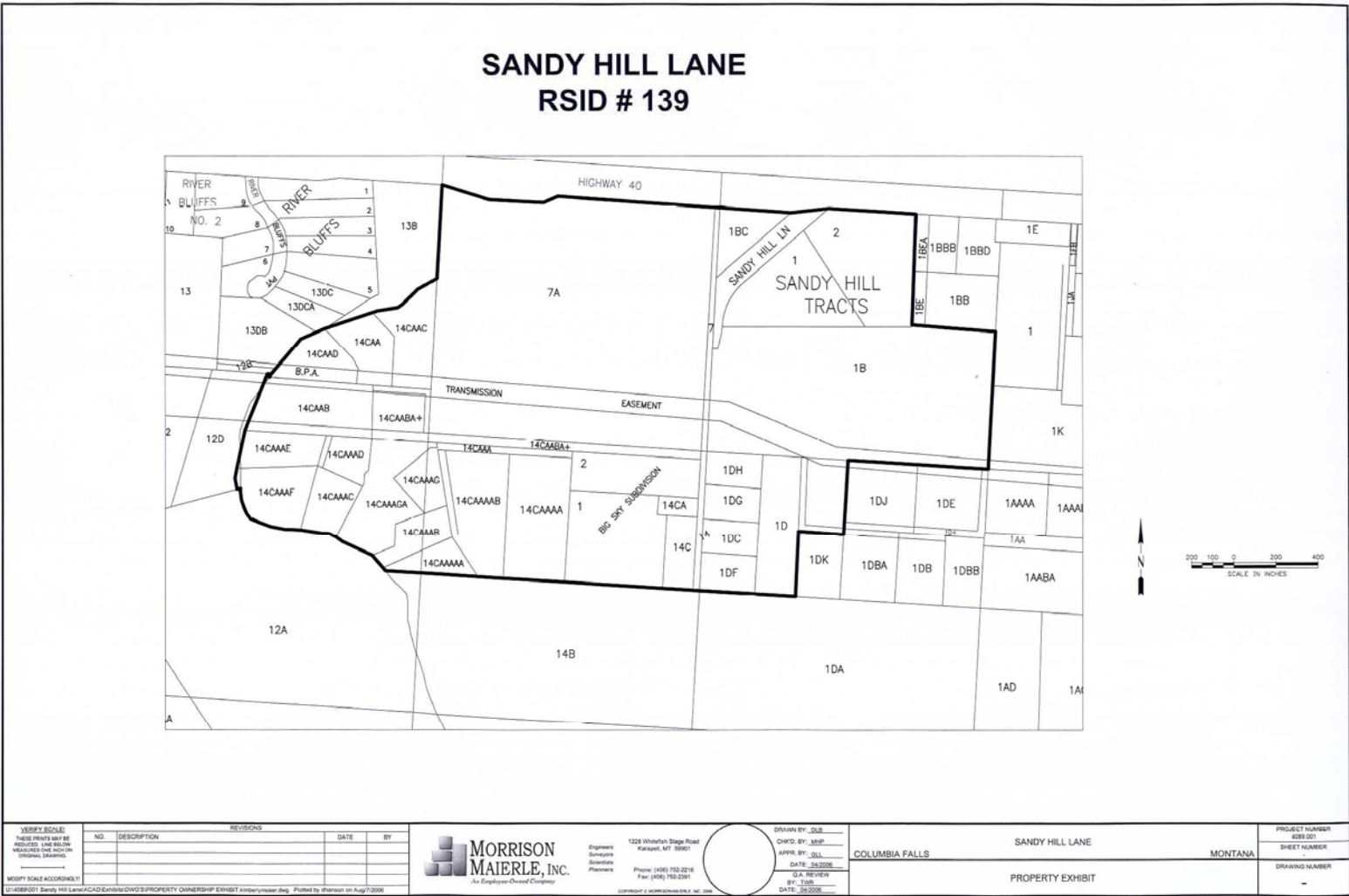
BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Robert W. Watne
Robert W. Watne, Chairman

By/s/Kimberly Moser
Deputy

Publish on August 20 and August 27, 2006.



NOTICE OF PASSAGE OF RESOLUTION OF INTENTION TO CREATE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 141 AND TO ISSUE RURAL SPECIAL IMPROVEMENT DISTRICT NO. 141 BONDS OF THE COUNTY IN THE AGGREGATE PRINCIPAL AMOUNT OF \$180,639.13, SECURED BY THE RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND

FLATHEAD COUNTY, MONTANA

NOTICE IS HEREBY GIVEN that on August 16, 2006, the Board of County Commissioners of Flathead County, Montana (the "County"), adopted a Resolution of Intention to Create Rural Special Improvement District No. 141 (the "District") for the purpose of financing the costs of certain local improvements (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of rural special improvement district bonds of the County drawn on the District (the "Bonds"), the creation and administration of the District, and the funding of a deposit to the County's Rural Special Improvement District Revolving Fund (the "Revolving Fund"). The Improvements shall be constructed and installed pursuant to plans and specifications prepared by Morrison Maierle, Inc.

A complete copy of the Resolution of Intention (the "Resolution") is on file with the County Clerk and Recorder which more specifically describes the nature of the Improvements, the boundaries and the area included in the District, the location of the Improvements and other matters pertaining thereto and further particulars. A map of the proposed District accompanies this notice.

The Improvements consist of the design, engineering and construction of paving on approximately 70,000 square feet of Williams Lane, currently a gravel road.

The County would issue the Bonds in an aggregate principal amount not to exceed \$180,639.13 in order to finance the costs of the Improvements. Principal of and interest on the Bonds will be paid from special assessments levied against the property in the District in the aggregate principal amount of \$180,639.13 and such payment will be secured by the Revolving Fund. **Subject to the limitations of Montana Code Annotated, Section 7-12-4222, the general fund of the County may be used to provide loans to the**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Watne, Commissioners Hall and Brenneman, and Clerk Robinson were present.

BI-MONTHLY MEETING W/ JED FISHER, WEED/PARKS/MAINTENANCE

[9:09:38 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jed Fisher

Discussion was held relative to Jed Fisher addressing several park issues. Jed spoke in regards to a park in a subdivision in Essex where the landowners have requested that the park be turned over to the landowners to remain a park that they can maintain. Jed stated that the Park board does support the idea and he just wanted to see if the commissioners are interested before he approached the county attorney's office in how to proceed. Commissioner Brenneman stated that he would like to see that Park Board consider making part of the subject property a park for the homeowners and selling part of it off as surplus. Commissioner Hall stated that he felt it should just be turned over to the homeowners association but should also say in the contract that if they were ever to put it back on the market then it should be reverted back to the county. Commissioner Brenneman requested that Jed approach the park board with the idea of selling a portion of the park for a subdivision and then turning the remainder over to the homeowners Association.

Jed Fisher then discussed the issues that have come up in regards to the Somers Bike Path. He stated that there have been numerous complaints in regards to the trail placement being too close to the beach and bicyclists being a possible hazard on the path. He stated that the park Board had chosen to monitor the situation for a year but Jeff Harris had come up with a plan to move the path. He then stated that the problem with moving the path is the cost involved on a path that is on lease land. Commissioner Hall stated that he was not at all in favor of moving the trail. He stated that moving the path will not give much more beach at all. Jed Fisher then explained the different costs that would be needed in the future to maintain the site. Commissioner Brenneman stated that he felt the greatest problem was having people parking on the path. Discussion was then held relative to putting barriers on the path that would require the bikers to dismount and walk their bikes along the path.

Discussion was then held relative to the Herron Park agreement that is going forward. He stated that they have offered fifteen of the Herron property to the county to create a buffer between the county land and the Herron Land.

Discussion was held relative to a request made by the Weed Department to purchase replacement trucks. Jed stated that he does not have a problem with the other cuts that had been made but the truck is a needed thing. He asked if they could possibly get that put back into the budget. Commissioner Brenneman stated that they would discuss the issue with Laurel Raymond and get back to him. Commissioner Hall stated that he believes that they could find a used truck that would be less money. Discussion was held relative to replacing the truck currently used by Commissioner Watne with a car and putting that truck back into the system. Jed stated that the truck would be the most for the fuel operations for mowing and as a back up in the winter for plowing. Jed then stated that he is fine with a used truck but needs to know an amount that he can put in the budget. He again stated that the Weed and Parks Board is in agreement that this is a needed capital outlay.

Mike Pence then reviewed a letter that was received from a gentleman in regards to a waver runner issue that has come up in a business that he has. Jed Fisher stated that would be a Fish, Wildlife and Parks issue not a county issue.

DISCUSSION RE: CAPITAL IMPROVEMENTS PLAN / REQUEST FOR PROPOSALS SUBMITTALS

[9:43:16 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

David Losee
MDG Consulting
Architects Design Group
Grover and Co.

Commissioner Brenneman made a **motion** to send the proposals to the selection committee consisting of the Finance group that includes Mike Pence, Laurel Raymond and Adele Krantz to take the proposals under advisement. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

MONTHLY MEETING W/ MARK PECK. OES

This meeting was not held.

MEETING W/ DAN SIDERIUS RE: MOUNTAIN VIEW TIMBERS CONDITION NO. 16

[10:12:42 AM](#)

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Dan Siderius

Discussion was held relative to a condition for Mountain View Timber that requires that a road be paved. Dan Siderius stated that he would like to close the road during construction. Jonathan Smith stated, over the phone, that the commissioners could close the road by motion if they feel that it needs to be closed.

Commissioner Brenneman made a **motion** to approve the closure of Tavern Lane during construction for up to four weeks provided that Bad Rock Fire is notified, signage is placed and an attempt to notify the neighbors is made. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[10:17:49 AM](#)

Members present:

Commissioner Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Jeff Harris, Olaf Ervin

Discussion was held relative to the booth at the fair for the Planning Department. Jeff then discussed the significant comments that have been received in regards to the growth policy and the processing of those comments. Jeff then reviewed the comments that they have received on the Tutvedt pit and the work that is being done on that application. He then spoke in regards to a recent application for an approximately 1000 lot subdivision in Hungry Horse. He then stated that they are processing a request to create a zoning district along Juniper Bay. He also stated that they are doing well in terms of fee generation and are seeing fewer subdivisions with more lots.

Commissioner Brenneman PT opened the public comment on matters within the Commissions' Jurisdiction,

[10:57:16 AM](#)

Julie Hellbach stated that in January the Planning Board rejected a petition based on the fact that it was not consistent with the character of the surrounding area. She then reviewed the lot sizes that are currently in the area. She spoke on the increases in the housing density for the area and what the Master Plan would allow for the area. She stated that fact that they are asking for a variance from the Master Plan that should be reason enough to deny the project. She then spoke in regards to the safety issues with Columbia Falls Stage Road. She reviewed the traffic counts for the road and stated that it is only a matter of time before there is an accident on Columbia Falls Stage Road. She stated that they are not opposed to development but would like to see a subdivision consistent with the area.

Aurelia Wittlake Jackson stated that she is the original owner of the place. She stated that she lived on Columbia Falls Stage for 42 years and after her children moved away and her husband passed away she was left with little to live off of. She stated that if she could not make a subdivision out of this than she would sell it to another developer. She then reviewed the smaller lots that are along Columbia Falls Stage and stated that she did not feel her lots were too small. She then reviewed the wildlife in the area saying that they did not see elk in the area and did not see how it can be claimed that making a development there would harm the wildlife. She then stated that if the neighbors want to see the land stay the same than they should offer to purchase the property.

Laura Miller presented the commissioners with a copy of a map that shows the density in the area. She stated that they are not against development of these lots but believe that the applicant is asking for something that does not suit the surrounding area. She then stated that she had spoken with Mrs. Wittlake about the area and was told that they had a great fondness for the area but would do what her husband wanted for the property. She also reviewed the non compliance of this application to the master plan and that this is a rural area that does suit the urban expansion qualities. She also presented the commissioners with a map of a creative solution for the property that would better suit the area. In regards to the environmental assessment she stated that she did feel that all areas were adequately addressed. She then quoted a section of the staff report that speaks in regards to the close proximity to the river and the affect it might have on the wildlife.

Jim Burton spoke as a representative to the applicant. He stated that they started out with a 43 lot layout and were told that would not work based on sanitation and at that time they re worked the subdivision to work with the advise from a licensed sanitarian.

Pat Arnone spoke as a chairman of the East Valley neighborhood Plan. She stated that they had discussed where the dense growth should go for the area and this subdivision proposal does not fit the plan that they have in mind. She then stated that the subdivision proposal for across the road was denied that had less density due to density concerns.

Virgil Pedersen stated that the planning board unanimously rejected the proposal due to setting precedence in the area. He also stated that he lived in another area that had major growth and they put traffic impact fees for all new developments for roads.

No one else rising to speak, Commissioner Brenneman PT closed the public comment period.

PRELIMINARY PLAT: OAK TREE ESTATES

[11:15:26 AM](#)

Members present:

Commissioner Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Jeff Harris, Traci Sears-Tull, Jim Burton, Aurelia Wittlake Jackson, Pat Arnone, Laura Miller, Virgil Pederson, Olaf Ervin, Julie K Hellead, Dale Jackson

Sears-Tull reviewed the application submitted by Aurelia E Wittlake for preliminary plat approval of Oak Tree Estates, a major subdivision that will create 25 residential lots. The subdivision is proposed on 59.34 acres and will be served by individual wells and individual septic systems. There are 19 attached conditions. The Flathead County Planning Board recommended denial on

July 12, 2006 based on the proposed density being out of character with the surrounding area and the safety hazards on the northern road approach.

Commissioner Hall asked about some of the issues that were mentioned in regards to the perk tests noting that the tests came up dry. He commented that for a neighbor to come in and say this is what they want you to do is kind of odd.

Aurelia Wittlake Jackson stated that Laura Miller was the only one who has contacted her and was very opposed to the development.

Commissioner Hall stated that a unanimous decision by the planning board for denial is taken very seriously. He then stated that in the past they have been opposed to five acres weed patches. He then stated that he does support cluster subdivision with lots of open space. He also stated that there are some issues that need to be addressed that are not already addressed in the conditions.

Commissioner Brenneman stated that he agreed with the planning board and did not find a compelling reason to disagree with them.

Commissioner Hall stated that he agreed.

Commissioner Brenneman asked if after the planning board meeting if the applicant approached the planning board on changing the applications.

Traci Sears-Tull stated that she had approached the applicant who indicated that they wanted to go to the commissioners.

Commissioner Hall made a **motion** to adopt Staff Report FPP-06-29 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to deny the preliminary plat of based on the concerns of the planning board and the concerns with the unmitigated affects on Columbia Falls Stage. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

2:00 p.m. Commissioner Watne to attend Health Board meeting at the Earl Bennett Building

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 18, 2006.

FRIDAY, AUGUST 18, 2006

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Watne, Commissioners Hall and Brenneman, and Clerk Robinson were present.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 21, 2006.